

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:16-cv-00536-MMD-GWF**

Deutsche Bank National Trust Company v. Independence II  
Homeowners' Association et al  
Assigned to: Judge Miranda M. Du  
Referred to: Magistrate Judge George Foley, Jr  
Cause: 28:1332 Diversity-Injunctive & Declaratory Relief

Date Filed: 03/10/2016  
Date Terminated: 03/18/2019  
Jury Demand: None  
Nature of Suit: 220 Real Property:  
Foreclosure  
Jurisdiction: Diversity

**Plaintiff**

**Deutsche Bank National Trust Company**  
*as trustee*  
*on behalf of*  
Certificateholders of IMPAC Secured Assets  
Corp, Mortgage Pass-Through Certificates,  
Series 2007-1

represented by **Jamie K Combs**  
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V.

**Defendant**

**Independence II Homeowners'  
Association**

*TERMINATED: 10/24/2018*

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*TERMINATED: 06/20/2018*

**Defendant**

**SFR Investments Pool 1, LLC**

represented by **Jacqueline A. Gilbert**  
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**Defendant**

**Nevada Association Services, Inc.**

represented by **Chris Yergensen**  
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Las Vegas, NV 89135

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**Cross Claimant****SFR Investments Pool 1, LLC***[20] Cross Claim*represented by **Jacqueline A. Gilbert**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Karen L. Hanks**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Diana S. Cline**

(See above for address)

ATTORNEY TO BE NOTICED

V.

**Cross Defendant****Carolina Ospina Medina***[20] Cross Claim*

TERMINATED: 07/14/2016

**Counter Claimant****SFR Investments Pool 1, LLC***[20] Counterclaim*represented by **Jacqueline A. Gilbert**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Karen L. Hanks**

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**Diana S. Cline**

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ATTORNEY TO BE NOTICED

V.

**Counter Defendant****Deutsche Bank National Trust Company***as trustee; [20] Counterclaim*represented by **Miles N Clark**

(See above for address)

TERMINATED: 05/17/2017

LEAD ATTORNEY

**Rebekkah B Bodoff**

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**Jamie K Combs**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Tenesa S Powell**

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*ATTORNEY TO BE NOTICED*

**Melanie D Morgan**

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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/10/2016	<a href="#"><u>1</u></a>	COMPLAINT against Independence II Homeowners' Association, Nevada Association Services, Inc., SFR Investments Pool 1, LLC (Filing fee \$400 receipt number 0978-4032454), filed by Deutsche Bank National Trust Company. Certificate of Interested Parties due by 3/20/2016. Proof of service due by 7/8/2016. (Attachments: # <a href="#"><u>1</u></a> Summons, # <a href="#"><u>2</u></a> Summons, # <a href="#"><u>3</u></a> Summons, # <a href="#"><u>4</u></a> Civil Cover Sheet) (Morgan, Melanie) (Entered: 03/10/2016)
03/10/2016	<a href="#"><u>2</u></a>	NOTICE of Lis Pendens; filed by Plaintiff Deutsche Bank National Trust Company. (Morgan, Melanie) (Entered: 03/10/2016)
03/10/2016	<a href="#"><u>3</u></a>	CERTIFICATE of Interested Parties filed by Deutsche Bank National Trust Company that identifies all parties that have an interest in the outcome of this case. Corporate Parent Deutsche Bank AG, Other Affiliate Deutsche Bank Holdings, Inc., Other Affiliate Deutsche Bank Trust Corporation, Other Affiliate Taunas Corporation for Deutsche Bank National Trust Company as Trustee for the Certificateholders of IMPAC Secured Assets Corp, Mortgage Pass-Through Certificates, Series 2007-1 added. . (Morgan, Melanie) (Entered: 03/10/2016)
03/10/2016		Case assigned to Judge Miranda M. Du and Magistrate Judge Cam Ferenbach. (MMM) (Entered: 03/10/2016)
03/10/2016	<a href="#"><u>4</u></a>	Summons Issued as to Independence II Homeowners' Association, Nevada Association Services, Inc., SFR Investments Pool 1, LLC. (MMM) (Entered: 03/10/2016)
03/11/2016	<a href="#"><u>5</u></a>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 3/11/2016. By Deputy Clerk: Peggie Vannozzi. This case has been assigned to the Honorable Miranda M. Du. Judge Du's Civil Standing Order is posted on the U.S. District Court, District of Nevada public website and may be accessed directly via this hyperlink:  <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>  (no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 03/11/2016)
03/28/2016	<a href="#"><u>6</u></a>	SUMMONS Returned Executed by Deutsche Bank National Trust Company re <a href="#"><u>1</u></a> Complaint,. Nevada Association Services, Inc. served on 3/11/2016, answer due 4/1/2016. (Morgan, Melanie) (Entered: 03/28/2016)
03/29/2016	<a href="#"><u>7</u></a>	SUMMONS Returned Executed by Deutsche Bank National Trust Company re <a href="#"><u>1</u></a> Complaint,. Independence II Homeowners' Association served on 3/11/2016, answer due

		4/1/2016. (Morgan, Melanie) (Entered: 03/29/2016)
03/31/2016	<a href="#">8</a>	MOTION for Demand for Security of Costs <i>Pursuant to NRS 18.130(1)</i> by Defendant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 03/31/2016)
04/06/2016	<a href="#">9</a>	CERTIFICATE of Interested Parties filed by SFR Investments Pool 1, LLC that identifies all parties that have an interest in the outcome of this case. Corporate Parent SFR Investments, LLC for SFR Investments Pool 1, LLC added. . (Cline Ebron, Diana) (Entered: 04/06/2016)
04/12/2016	<a href="#">10</a>	STIPULATION FOR EXTENSION OF TIME (First Request) by Defendant Nevada Association Services, Inc.. (Yergensen, Christopher) (Entered: 04/12/2016)
04/12/2016	<a href="#">11</a>	ORDER <b>approving</b> <a href="#">10</a> Stipulation re <a href="#">1</a> Complaint. Nevada Association Services Inc answer due 4/29/2016. Signed by Magistrate Judge Cam Ferenbach on 4/12/2016. (Copies have been distributed pursuant to the NEF - KR) (Entered: 04/12/2016)
04/13/2016	<a href="#">12</a>	STIPULATION FOR EXTENSION OF TIME (First Request) re <a href="#">1</a> Complaint, ; <i>to File Responsive Pleading</i> by Defendant Independence II Homeowners' Association. (Larsen, Robert) (Entered: 04/13/2016)
04/14/2016	<a href="#">13</a>	SUMMONS Returned Executed by Deutsche Bank National Trust Company re <a href="#">1</a> Complaint,. SFR Investments Pool 1, LLC served on 3/11/2016, answer due 4/1/2016. (Morgan, Melanie) (Entered: 04/14/2016)
04/14/2016	<a href="#">14</a>	ORDER ON STIPULATION re <a href="#">12</a> STIPULATION FOR EXTENSION OF TIME (First Request) re <a href="#">1</a> Complaint. Deutsche Bank National Trust Company answer/responsive pleading due 5/18/2016. Signed by Magistrate Judge Cam Ferenbach on 4/14/16. (Copies have been distributed pursuant to the NEF - JC) (Entered: 04/14/2016)
04/27/2016	<a href="#">15</a>	ORDER granting <a href="#">8</a> Motion for Demand for Security of Costs. Plaintiff is to satisfy the cost bond requirement of NRS 18.131(1). Signed by Judge Miranda M. Du on 4/26/2016. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 04/27/2016)
05/10/2016	<a href="#">16</a>	CERTIFICATE of Cash Deposit as to Deutsche Bank: \$500, receipt number NVLAS-42221. (JC) (Entered: 05/10/2016)
05/13/2016	<a href="#">17</a>	STIPULATION FOR EXTENSION OF TIME (Second Request) re <a href="#">1</a> Complaint, ; by Defendant Nevada Association Services, Inc.. (Yergensen, Christopher) (Entered: 05/13/2016)
05/16/2016	<a href="#">18</a>	ORDER <b>approving</b> ECF No. <a href="#">17</a> Stipulation re ECF No. <a href="#">1</a> Complaint. Nevada Association Services Inc answer due 6/1/2016. Signed by Magistrate Judge Cam Ferenbach on 5/16/2016. (Copies have been distributed pursuant to the NEF - KR) (Main Document 18 replaced on 5/16/2016; NEF regenerated) (KR). (Entered: 05/16/2016)
05/17/2016	<a href="#">19</a>	MOTION to Dismiss <i>Claims Against Independence II Homeowners Association</i> by Defendant Independence II Homeowners' Association. Responses due by 6/3/2016. (Attachments: # <a href="#">1</a> Exhibit NRED Complaint, # <a href="#">2</a> Exhibit NRED Response)(Larsen, Robert) (Entered: 05/17/2016)
05/25/2016	<a href="#">20</a>	ANSWER to <a href="#">1</a> Complaint, (, Discovery Plan/Scheduling Order due by 7/9/2016.), CROSSCLAIM against Carolina Ospina Medina, COUNTERCLAIM against Deutsche Bank National Trust Company filed by SFR Investments Pool 1, LLC.(Cline Ebron, Diana)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 05/25/2016)



06/01/2016	<a href="#">21</a>	ANSWER to <a href="#">1</a> Complaint, filed by Nevada Association Services, Inc..(Yergensen, Christopher) (Entered: 06/01/2016)
06/03/2016	<a href="#">22</a>	RESPONSE to <a href="#">19</a> Motion to Dismiss,, filed by Plaintiff Deutsche Bank National Trust Company. Replies due by 6/13/2016. (Clark, Miles) (Entered: 06/03/2016)
06/03/2016	<a href="#">23</a>	RESPONSE to <a href="#">19</a> Motion to Dismiss,, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 6/13/2016. (Gilbert, Jacqueline) (Entered: 06/03/2016)
06/07/2016	<a href="#">24</a>	PROPOSED SUMMONS to be issued <i>as to Carolina Ospina Medina</i> , filed by Cross Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 06/07/2016)
06/07/2016	<a href="#">25</a>	NOTICE of Lis Pendens by Counter Claimant SFR Investments Pool 1, LLC. (Gilbert, Jacqueline) (Entered: 06/07/2016)
06/07/2016	<a href="#">26</a>	Summons Issued as to Carolina Ospina Medina. (JM) (Entered: 06/07/2016)
06/15/2016	<a href="#">27</a>	CERTIFICATE of Interested Parties filed by Nevada Association Services, Inc. that identifies all parties that have an interest in the outcome of this case. Corporate Parent RockTower Capital, Inc., a Nevada corporation, Other Affiliate Jeff Finn, Other Affiliate Lawrence Selevan, Other Affiliate Kenn Davin, Other Affiliate Kathryn Kaplan, Other Affiliate David Groelinger, Other Affiliate Brian Kaplan, Other Affiliate Shawn Campbell, Other Affiliate Josh Egert, Other Affiliate Joel Just, Other Affiliate Lee Bowden, Other Affiliate Stanley Browne, Other Affiliate Jay Parker for Nevada Association Services, Inc. added. . (Yergensen, Christopher) (Entered: 06/15/2016)
06/20/2016	<a href="#">28</a>	MOTION for Demand for Security of Costs by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Clark, Miles) (Entered: 06/20/2016)
06/20/2016	<a href="#">29</a>	ANSWER to <a href="#">20</a> Answer to Complaint,,, Crossclaim,,, Counterclaim,, filed by Deutsche Bank National Trust Company, Deutsche Bank National Trust Company.(Clark, Miles) (Entered: 06/20/2016)
06/21/2016	<a href="#">30</a>	ORDER granting <a href="#">28</a> Motion for Demand for Security of Costs. Defendant/Counter Plaintiff SFR is to satisfy the cost bond requirement of NRS 18.130(1). Signed by Judge Miranda M. Du on 6/20/2016. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 06/21/2016)
06/23/2016	<a href="#">31</a>	OBJECTIONS re LR IB 3-1 or MOTION for District Judge to Reconsider Order re <a href="#">30</a> Order on Motion for Demand for Security of Costs, by Defendant SFR Investments Pool 1, LLC. Responses due by 7/10/2016. (Attachments: # <a href="#">1</a> Exhibit A)(Cline Ebron, Diana) (Entered: 06/23/2016)
06/23/2016	<a href="#">32</a>	MOTION to Strike <a href="#">28</a> Motion for Demand for Security of Costs by Defendant SFR Investments Pool 1, LLC. Responses due by 7/10/2016. (Attachments: # <a href="#">1</a> Exhibit A) (Cline Ebron, Diana) (Entered: 06/23/2016)
06/29/2016	<a href="#">33</a>	NOTICE of Change of Address by Jon M Ludwig. (Ludwig, Jon) (Entered: 06/29/2016)
07/08/2016	<a href="#">34</a>	REPLY to <a href="#">28</a> Motion for Demand for Security of Costs, <a href="#">32</a> Motion to Strike ; filed by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Clark, Miles) (Entered: 07/08/2016)
07/12/2016	<a href="#">35</a>	STIPULATION of Dismissal <i>as to Carolina Ospina Medina</i> by Cross Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 07/12/2016)
07/14/2016	<a href="#">36</a>	ORDER Granting <a href="#">35</a> Stipulation and Order Dismissing Carolina Ospina Medina without prejudice. Signed by Judge Miranda M. Du on 7/14/2016. (Copies have been distributed

		pursuant to the NEF - DL) (Entered: 07/15/2016)
07/16/2016	<a href="#">37</a>	REPLY to Response to <a href="#">31</a> Objections re LR IB 3-1 or Motion for District Judge to Reconsider Order, <a href="#">32</a> Motion to Strike filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Attachments: # <a href="#">1</a> Exhibit SFR's Business Entity Information)(Cline Ebron, Diana) (Entered: 07/16/2016)
07/27/2016	<a href="#">38</a>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company . (Clark, Miles) (Entered: 07/27/2016)
07/29/2016	<a href="#">39</a>	SCHEDULING ORDER re ECF No. <a href="#">38</a> Proposed Discovery Plan/Scheduling Order. Discovery due by 9/27/2016. Motions due by 10/27/2016. Proposed Joint Pretrial Order due by 11/25/2016. Signed by Magistrate Judge Cam Ferenbach on 7/29/16. (Copies have been distributed pursuant to the NEF - JC) (Entered: 07/29/2016)
07/29/2016	<a href="#">40</a>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)  NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2). <b>(no image attached)</b> (JC) (Entered: 07/29/2016)
08/02/2016	<a href="#">41</a>	Joint STATUS REPORT by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Bodoff, Rebekkah) (Entered: 08/02/2016)
08/05/2016	<a href="#">42</a>	STIPULATION FOR EXTENSION OF TIME (First Request) by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 08/05/2016)
08/08/2016	<a href="#">43</a>	SCHEDULING ORDER <b>approving</b> ECF No. <a href="#">42</a> Stipulation re Discovery Matters. Discovery due by 11/28/2016. Motions due by 12/28/2016. Proposed Joint Pretrial Order due by 1/27/2017. Signed by Magistrate Judge Cam Ferenbach on 8/8/16. (Copies have been distributed pursuant to the NEF - JC) (Entered: 08/08/2016)
08/19/2016	<a href="#">44</a>	ORDER <b>Staying Case</b> Pending Issuance of Mandate in <i>Bourne Valley Court Trust v. Wells Fargo Bank</i> and Denying Pending Motions without Prejudice. Signed by Judge Miranda M. Du on 8/19/2016. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 08/19/2016)
01/19/2017	<a href="#">45</a>	ORDER <b>lifting</b> temporary stay. Pending motions that were denied without prejudice when the stay was imposed may be refiled within 30 days. Signed by Judge Miranda M. Du on 1/19/2017. (Copies have been distributed pursuant to the NEF - KR) (Entered: 01/19/2017)



02/03/2017	<a href="#">46</a>	MOTION to Lift Stay by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 02/03/2017)
02/17/2017	<a href="#">47</a>	MOTION for Partial Summary Judgment by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 3/10/2017. (Cline Ebron, Diana) (Entered: 02/17/2017)
02/17/2017	<a href="#">48</a>	RESPONSE to <a href="#">46</a> Motion to Lift Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 2/24/2017. (Attachments: # <a href="#">1</a> Exhibit)(Cline Ebron, Diana) (Entered: 02/17/2017)
02/17/2017	<a href="#">49</a>	Counter MOTION to Stay re <a href="#">46</a> Motion to Lift Stay, <a href="#">48</a> Response to Motion, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Attachments: # <a href="#">1</a> Exhibit)(Cline Ebron, Diana) (Entered: 02/17/2017)
02/17/2017	<a href="#">50</a>	NOTICE of Corrected Image/Document re <a href="#">49</a> Motion to Stay, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Service of corrected image is attached). (Cline Ebron, Diana) (Entered: 02/17/2017)
02/21/2017	<a href="#">51</a>	MOTION to Dismiss <i>Claims Against Independence II Homeowners Association</i> by Defendant Independence II Homeowners' Association. Responses due by 3/7/2017. (Ludwig, Jon) (Entered: 02/21/2017)
02/24/2017	<a href="#">52</a>	REPLY to Response to <a href="#">46</a> Motion to Lift Stay filed by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 02/24/2017)
02/24/2017	<a href="#">53</a>	RESPONSE to <a href="#">50</a> Notice of Corrected Image/Document,, <i>SFR Investment Pool 1, LLC's Motion to Stay all Proceedings</i> filed by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) Modified on 2/27/2017 link added. (BLG). (Entered: 02/24/2017)
02/27/2017	<a href="#">54</a>	RESPONSE to <a href="#">51</a> Motion to Dismiss, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 3/6/2017. (Gilbert, Jacqueline) (Entered: 02/27/2017)
03/03/2017	<a href="#">55</a>	REPLY to Response to <a href="#">49</a> Motion to Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>Reply in Support of SFR Investments Pool 1, LLC's Counter Motion to Stay All Proceedings, or, in the Alternative, to Allow Case to Proceed Without Restriction</i> (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D)(Cline Ebron, Diana) (Entered: 03/03/2017)
03/07/2017	<a href="#">56</a>	STIPULATION FOR EXTENSION OF TIME (First Request) re <a href="#">51</a> Motion to Dismiss ; by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 03/07/2017)
03/08/2017	<a href="#">57</a>	ORDER <b>approving</b> ECF No. <a href="#">56</a> Stipulation to Extend Deutsche Bank's Deadline to Respond to Independence II Homeowners' Association's Renew Motion to Dismiss ECF No. <a href="#">51</a> . Response due by <b>3/21/2017</b> . Signed by Judge Miranda M. Du on 03/07/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 03/08/2017)
03/09/2017	<a href="#">58</a>	STIPULATION FOR EXTENSION OF TIME (First Request) <i>to Stay Litigation Pending Final Resolution of Petition(s) for Writ of Certiorari to United States Supreme Court or, in the alternative, Pending Relief from Stay in the Bankruptcy Court</i> by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 03/09/2017)

03/10/2017	<a href="#">59</a>	ORDER <b>approving</b> ECF No. <a href="#">58</a> Stipulation to Stay Litigation Pending Final Resolution of Petition(s) for Writ of Certiorari to United States Supreme Court or, in the alternative, Pending Relief from Stay in the Bankruptcy Court. Signed by Judge Miranda M. Du on 3/9/2017. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 03/10/2017)
03/10/2017	60	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 3/10/2017. By Deputy Clerk: Peggie Vannozzi. In light of the stay entered in this matter by ECF No. <a href="#">59</a> , it is ordered that Plaintiff's Motion to Lift Stay (ECF No. <a href="#">46</a> , SFR Defendants' Motion for Partial Summary Judgment (ECF No. <a href="#">47</a> ), SFR Defendants' Countermotion to Stay (ECF No. <a href="#">49</a> ,) Defendants Independence II Homeowners Association's Motion to Dismiss (ECF No. <a href="#">51</a> ) are denied with leave to refile within 10 days after the stay is lifted. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 03/10/2017)
03/28/2017	<a href="#">61</a>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Cam Ferenbach, on 3/28/2017. With good cause appearing, the Honorable Magistrate Judge Cam Ferenbach recuses himself/herself in this action. This action is referred to the Clerk for random reassignment of this case for all further proceedings. (Copies have been distributed pursuant to the NEF - KR) (Entered: 03/28/2017)
03/28/2017	62	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, on 3/28/2017. IT IS ORDERED that this case is reassigned to Magistrate Judge George Foley, Jr. for all further pretrial proceedings within his jurisdiction. Magistrate Judge Cam Ferenbach no longer assigned to case. All further documents must bear the correct case number <b>2:16-cv-00536-MMD-GWF. (no image attached)</b> (Copies have been distributed pursuant to the NEF - BLG) (Entered: 03/28/2017)
05/16/2017	<a href="#">63</a>	MOTION to remove attorney(s) Miles N. Clark from the Electronic Service List in this case, by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 05/16/2017)
05/17/2017	<a href="#">64</a>	ORDER <b>granting</b> ECF No. <a href="#">63</a> Motion to Remove Attorney Miles N. Clark from Electronic Service List. Signed by Magistrate Judge George Foley, Jr on 05/17/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 05/17/2017)
07/21/2017	65	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 7/21/2017. By Deputy Clerk: Peggie Vannozzi. In light of the U.S. Supreme Court's denial of the petition for writ of certiorari in <i>Bourne Valley Court Trust v. Wells Fargo Bank, N.A.</i> on June 26, 2017, it ordered that the stay is lifted. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - PAV) (Entered: 07/21/2017)
07/31/2017	<a href="#">66</a>	MOTION for Partial Summary Judgment <i>SFR Investments Pool 1, LLC's Renewed Motion for Partial Summary Judgment Regarding a Pure Issue of Law: Application of the Return Doctrine Post-Bourne Valley</i> by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 8/21/2017. (Cline Ebron, Diana) (Entered: 07/31/2017)
08/02/2017	<a href="#">67</a>	MOTION for Partial Summary Judgment by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. Responses due by 8/23/2017. (Attachments: # <a href="#">1</a> Exhibit A- Deed of Trust, # <a href="#">2</a> Exhibit B- Assignment of Deed of Trust, # <a href="#">3</a> Exhibit C- Notice of Delinquent Assessment Lien, # <a href="#">4</a> Exhibit D- Notice of Default, # <a href="#">5</a> Exhibit E- Notice of Foreclosure Sale, # <a href="#">6</a> Exhibit F- Foreclosure Deed)(Combs, Jamie) (Entered: 08/02/2017)
08/02/2017	<a href="#">68</a>	MOTION to Stay re <a href="#">67</a> Motion for Partial Summary Judgment, by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust

		Company. (Combs, Jamie) (Entered: 08/02/2017)
08/16/2017	<a href="#">69</a>	RESPONSE to <a href="#">68</a> Motion to Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Opposition to Plaintiff's Motion to Stay Discovery Pending Resolution of Plaintiff's Motion for Summary Judgment and Counter-Motion to Stay All Proceedings, or in the alternative, to Allow Case to Proceed Without Restriction</i> Replies due by 8/23/2017. (Cline Ebron, Diana) (Entered: 08/16/2017)
08/16/2017	<a href="#">70</a>	Counter MOTION to Stay re <a href="#">68</a> Motion to Stay <i>SFR Investments Pool 1, LLC's Opposition to Plaintiff's Motion to Stay Discovery Pending Resolution of Plaintiff's Motion for Summary Judgment and Counter-Motion to Stay All Proceedings, or in the alternative, to Allow Case to Proceed Without Restriction</i> by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 08/16/2017)
08/18/2017	<a href="#">71</a>	RESPONSE to <a href="#">66</a> Motion for Partial Summary Judgment,, filed by Plaintiff Deutsche Bank National Trust Company. Replies due by 9/1/2017. (Attachments: # <a href="#">1</a> Exhibit 1) (Combs, Jamie) (Entered: 08/18/2017)
08/23/2017	<a href="#">72</a>	REPLY to Response to <a href="#">68</a> Motion to Stay filed by Plaintiff Deutsche Bank National Trust Company. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Combs, Jamie) (Entered: 08/23/2017)
08/23/2017	<a href="#">73</a>	RESPONSE to <del>BRIEF</del> re <a href="#">70</a> Response to Motion,, ; filed by Plaintiff Deutsche Bank National Trust Company. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Combs, Jamie) <i>Modified on 8/23/2017 event &amp; link correction.</i> (BLG). (Entered: 08/23/2017)
08/23/2017	<a href="#">74</a>	STIPULATION FOR EXTENSION OF TIME (First Request) re <a href="#">67</a> Motion for Partial Summary Judgment, ; <i>Joint Stipulation to Extend Time to Respond to Plaintiff's Moton for Partial Summary Judgment</i> by Defendant Independence II Homeowners' Association. (Larsen, Robert) (Entered: 08/23/2017)
08/23/2017	<a href="#">75</a>	NOTICE of Appearance by attorney Robert S. Larsen on behalf of Defendant Independence II Homeowners' Association. (Larsen, Robert) (Entered: 08/23/2017)
08/23/2017	<a href="#">76</a>	NOTICE of <i>Disassociation</i> by Independence II Homeowners' Association. (Larsen, Robert) (Entered: 08/23/2017)
08/23/2017	<a href="#">77</a>	RESPONSE to <a href="#">67</a> Motion for Partial Summary Judgment,, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Response to Deutsche Bank National Trust Company's Motion for Partial Summary Judgment [ECF No. 67]; and Countermotion for Relief Under Fed. R. Civ. P. 56(d)</i> Replies due by 9/6/2017. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 1-A)(Cline Ebron, Diana) (Entered: 08/23/2017)
08/23/2017	<a href="#">78</a>	Second MOTION to Dismiss <i>Claims against Independence II Homeowners Association</i> re <a href="#">1</a> Complaint, by Defendant Independence II Homeowners' Association. Responses due by 9/6/2017. (Wise, Rachel) (Entered: 08/23/2017)
08/23/2017	<a href="#">79</a>	Counter MOTION re <a href="#">67</a> Motion for Partial Summary Judgment, <i>SFR Investments Pool 1, LLC's Response to Deutsche Bank National Trust Company's Motion for Partial Summary Judgment [ECF No. 67]; and Countermotion for Relief Under Fed. R. Civ. P. 56(d)</i> by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 9/6/2017. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 1-A)(Cline Ebron, Diana) (Entered: 08/23/2017)

08/25/2017	<a href="#">80</a>	ORDER <b>granting</b> ECF No. <a href="#">74</a> Stipulation to Extend Time to Respond to ECF No. <a href="#">67</a> Plaintiff's Motion for Partial Summary Judgment. Response due by <b>9/6/2017</b> . Signed by Judge Miranda M. Du on 08/24/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 08/25/2017)
08/30/2017	<a href="#">81</a>	REPLY to Response to <a href="#">70</a> Motion to Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>Reply in Support of SFR Investments Pool 1, LLC's Counter Motion to Stay All Proceedings, or, in the alternative, to Allow Case to Proceed without Restriction [ECF No. 70]</i> (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Cline Ebron, Diana) (Entered: 08/30/2017)
09/01/2017	<a href="#">82</a>	REPLY to Response to <a href="#">66</a> Motion for Partial Summary Judgment, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Reply in Support of Renewed Motion for Partial Summary Judgment Regarding a Pure Issue of Law: Application of the Return Doctrine Post-Bourne Valley [ECF No. 66]</i> (Attachments: # <a href="#">1</a> Exhibit 1 - Declaration of Diana Cline Ebron, # <a href="#">2</a> Exhibit 1- A Deutsche Bank's First Supplemental Initial Disclosures)(Cline Ebron, Diana) (Entered: 09/01/2017)
09/06/2017	<a href="#">83</a>	REPLY to Response to <a href="#">67</a> Motion for Partial Summary Judgment, filed by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 09/06/2017)
09/06/2017	<a href="#">84</a>	RESPONSE to <a href="#">67</a> Motion for Partial Summary Judgment,, filed by Defendant Independence II Homeowners' Association. Replies due by 9/20/2017. (Wise, Rachel) (Entered: 09/06/2017)
09/06/2017	<a href="#">85</a>	ORDERED that Plaintiff's Motion for Partial Stay Pending Ruling on Motion for Partial Summary Judgment (ECF No. <a href="#">68</a> ) is <b>denied</b> . Defendant SFR Investments Pool 1's Counter-Motion to Stay (ECF No. <a href="#">70</a> ) is <b>granted</b> . All proceedings in this case are stayed pending the Nevada Supreme Court's ruling on the certified question posed in <i>The Bank of New York Mellon v. Star Hill Homeowners Association, et al.</i> , Case No. 2:16-cv-02561-RFB-PAL, ECF No. 41. Signed by Magistrate Judge George Foley, Jr on 9/6/2017. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 09/06/2017)
09/06/2017	<a href="#">86</a>	RESPONSE to <a href="#">78</a> Motion to Dismiss, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Limited Response to Second Renewed Motion to Dismiss Claims Against Independence II Homeowners Association [ECF No. 78]</i> Replies due by 9/13/2017. (Cline Ebron, Diana) (Entered: 09/06/2017)
09/13/2017	<a href="#">87</a>	RESPONSE to <a href="#">79</a> Motion,,, filed by Plaintiff Deutsche Bank National Trust Company. Replies due by 9/20/2017. (Combs, Jamie) (Entered: 09/13/2017)
12/01/2017	<a href="#">88</a>	NOTICE <i>Of Change Of Address</i> by Deutsche Bank National Trust Company, Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 12/01/2017)
01/04/2018	<a href="#">89</a>	ORDER that the entirety of this action is stayed pending resolution of the certified question in Nev. S. Ct. Case No. 72931; parties to file a status report within 5 days from such resolution; ECF Nos. <a href="#">67</a> Motion for Partial Summary Judgment, <a href="#">78</a> Motion to Dismiss and <a href="#">79</a> Motion are denied without prejudice and may be refiled within 30 days from the date the stay is lifted; ECF No. <a href="#">66</a> Motion for Partial Summary Judgment is denied. Signed by Judge Miranda M. Du on 1/4/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 01/04/2018)
05/02/2018	90	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du on 5/2/2018.



		<p>Please take notice that Judge Du has made changes to her Civil Standing Order. The most current Civil Standing Order is posted on the U.S. District Court, District of Nevada public website and may be accessed directly via this hyperlink:</p> <p><a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a></p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - PAV) (Entered: 05/02/2018)</p>
06/19/2018	<a href="#">91</a>	MOTION For Removal of Rachel L. Wise from Service List by Defendant Independence II Homeowners' Association. Responses due by 7/3/2018. (Wise, Rachel) (Entered: 06/19/2018)
06/20/2018	<a href="#">92</a>	ORDER <b>granting</b> ECF No. <a href="#">91</a> Motion to Remove Counsel from Service List. Attorney Rachel L. Wise removed. Signed by Magistrate Judge George Foley, Jr on 6/20/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 06/20/2018)
08/07/2018	<a href="#">93</a>	NOTICE of Appearance by attorney Lynne McChrystal on behalf of Defendant Independence II Homeowners' Association. (McChrystal, Lynne) (Entered: 08/07/2018)
08/07/2018	<a href="#">94</a>	Joint STATUS REPORT by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 08/07/2018)
08/09/2018	<a href="#">95</a>	ORDER LIFTING STAY OF CASE. The Court has reviewed the Status Report (ECF No. <a href="#">94</a> ) submitted by the parties as ordered in the order staying case (ECF No. <a href="#">85</a> .) The stay is lifted. Signed by Judge Miranda M. Du on 8/9/2018. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - PAV) (Entered: 08/09/2018)
08/24/2018	<a href="#">96</a>	MOTION (Renewed) to Dismiss by Defendant Independence II Homeowners' Association. Responses due by 9/7/2018. (McChrystal, Lynne) Modified on 8/27/2018 text added. (BLG). (Entered: 08/24/2018)
09/05/2018	<a href="#">97</a>	PROPOSED Discovery Plan/Scheduling Order by Plaintiff Deutsche Bank National Trust Company [ <i>Special Scheduling Review Requested</i> ] (Combs, Jamie) (Entered: 09/05/2018)
09/06/2018	<a href="#">98</a>	SCHEDULING ORDER pursuant to ECF No. <a href="#">97</a> Proposed Discovery Plan/Scheduling Order. Discovery due by <b>12/7/2018</b> . Dispositive Motions due by <b>1/7/2019</b> . Proposed Joint Pretrial Order due by <b>2/6/2019</b> . Signed by Magistrate Judge George Foley, Jr on 9/6/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 09/06/2018)
09/06/2018	<a href="#">99</a>	<p>NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>. <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)</p> <p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take 3 days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2). <b>(no image attached)</b> (KW) (Entered: 09/06/2018)</p>

09/07/2018	<a href="#"><u>100</u></a>	STIPULATION FOR EXTENSION OF TIME (First Request) re <a href="#"><u>96</u></a> Motion to Dismiss by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 09/07/2018)
09/07/2018	<a href="#"><u>101</u></a>	RESPONSE to <a href="#"><u>96</u></a> Motion to Dismiss by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 9/14/2018. (Attachments: # <a href="#"><u>1</u></a> Exhibit A) (Gilbert, Jacqueline) (Entered: 09/07/2018)
09/10/2018	<a href="#"><u>102</u></a>	ORDER <b>granting</b> ECF No. <a href="#"><u>100</u></a> Stipulation to Extend Time to Respond ECF No. <a href="#"><u>96</u></a> Motion to Dismiss. Response due by <b>10/22/2018</b> . Signed by Judge Miranda M. Du on 9/10/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 09/10/2018)
10/17/2018	<a href="#"><u>103</u></a>	Interim STATUS REPORT ( <i>Joint</i> ) by Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 10/17/2018)
10/19/2018	<a href="#"><u>104</u></a>	NOTICE of Appearance by attorney Donna M. Wittig on behalf of Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 10/19/2018)
10/23/2018	<a href="#"><u>105</u></a>	STIPULATION of Dismissal <i>as to Independence II Homeowners' Association and Agreed Order of Partial Judgment</i> by Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 10/23/2018)
10/24/2018	<a href="#"><u>106</u></a>	ORDER <b>granting</b> ECF No. <a href="#"><u>105</u></a> Stipulation to Dismiss as to Independence II Homeowners' Association and Agreed Order of Partial Judgment. Signed by Judge Miranda M. Du on 10/24/2018. (Copies have been distributed pursuant to the NEF - LH) (Entered: 10/24/2018)
01/07/2019	<a href="#"><u>107</u></a>	MOTION for Summary Judgment by Plaintiff Deutsche Bank National Trust Company. Responses due by 1/28/2019. (Attachments: # <a href="#"><u>1</u></a> Exhibit A, # <a href="#"><u>2</u></a> Exhibit B, # <a href="#"><u>3</u></a> Exhibit C, # <a href="#"><u>4</u></a> Exhibit D, # <a href="#"><u>5</u></a> Exhibit E, # <a href="#"><u>6</u></a> Exhibit F, # <a href="#"><u>7</u></a> Exhibit G, # <a href="#"><u>8</u></a> Exhibit H, # <a href="#"><u>9</u></a> Exhibit I, # <a href="#"><u>10</u></a> Exhibit J, # <a href="#"><u>11</u></a> Exhibit K, # <a href="#"><u>12</u></a> Exhibit L, # <a href="#"><u>13</u></a> Exhibit M) (Wittig, Donna) (Entered: 01/07/2019)
01/07/2019	<a href="#"><u>108</u></a>	MOTION for Summary Judgment by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 1/28/2019. (Attachments: # <a href="#"><u>1</u></a> Exhibit A - Declaration of Diana S. Ebron, Esq., # <a href="#"><u>2</u></a> Exhibit A-1 - Excerpts of Declaration of Covenants, Conditions and Restrictions for Independence II, # <a href="#"><u>3</u></a> Exhibit A-2 - First Amendment to Declaration of Covenants, Conditions and Restrictions for Independence II, # <a href="#"><u>4</u></a> Exhibit A-3 - Grant, Bargain and Sale Deed, # <a href="#"><u>5</u></a> Exhibit A-4 - Quitclaim Deed, # <a href="#"><u>6</u></a> Exhibit A-5 - Quitclaim Deed, # <a href="#"><u>7</u></a> Exhibit A-6 - Grant Deed, # <a href="#"><u>8</u></a> Exhibit A-7 - Deed of Trust, # <a href="#"><u>9</u></a> Exhibit A-8 - Notice of Default and Election to Sell Under Deed of Trust, # <a href="#"><u>10</u></a> Exhibit A-9 - Substitution of Trustee Nevada, # <a href="#"><u>11</u></a> Exhibit A-10 - Affidavit - Termination of Joint Tenant, # <a href="#"><u>12</u></a> Exhibit A-11 - Excerpts of the Deutsche Banks First Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), # <a href="#"><u>13</u></a> Exhibit A-12 - Notice of Delinquent Assessment Lien, # <a href="#"><u>14</u></a> Exhibit A-13 - Release of Notice of Delinquent Assessment Lien, # <a href="#"><u>15</u></a> Exhibit A-14 - Notice of Delinquent Assessment Lien, # <a href="#"><u>16</u></a> Exhibit A-15 - Deutsche Banks responses to SFRs Requests for Admissions, # <a href="#"><u>17</u></a> Exhibit A-16 - Notice of Default and Election to Sell Under Homeowners Association Lien, # <a href="#"><u>18</u></a> Exhibit A-17 - Excerpts of the transcript of November 8, 2018 deposition of Sherry Benight, Rule 30(b)(6) witness for Deutsche Bank, # <a href="#"><u>19</u></a> Exhibit A-18 - Excerpts of the Deutsche Banks Third Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), # <a href="#"><u>20</u></a> Exhibit A-19 - Excerpts of the Deutsche Banks Fourth Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), # <a href="#"><u>21</u></a> Exhibit A-20 - Deutsche Banks responses to SFRs Interrogatories, # <a href="#"><u>22</u></a> Exhibit A-21 - Assignment of Deed of Trust, # <a href="#"><u>23</u></a> Exhibit A-22 - Notice of Foreclosure Sale, # <a href="#"><u>24</u></a>



		Exhibit A-23 - Substitution of Trustee, # <a href="#">25</a> Exhibit A-24 - Assignment of Deed of Trust, # <a href="#">26</a> Exhibit A-25 - Notice of Foreclosure Sale, # <a href="#">27</a> Exhibit A-26 - Notice of Lis Pendens, # <a href="#">28</a> Exhibit A-27 - Notice of Lis Pendens, # <a href="#">29</a> Exhibit A-28 - Excerpts of the transcript of the October 19, 2018 deposition of Susan Moses, Rule 30(b)(6) witness for Nevada Association Services, Inc., # <a href="#">30</a> Exhibit B - Declaration of Christopher Hardin, # <a href="#">31</a> Exhibit B-1 - Check and Related Documents, # <a href="#">32</a> Exhibit B-2 - Foreclosure Deed (Ebron, Diana) (Entered: 01/07/2019)
01/28/2019	<a href="#">109</a>	RESPONSE to <a href="#">108</a> Motion for Summary Judgment,,,,,,,,, by Plaintiff Deutsche Bank National Trust Company. Replies due by 2/11/2019. (Wittig, Donna) (Entered: 01/28/2019)
01/28/2019	<a href="#">110</a>	RESPONSE to <a href="#">107</a> Motion for Summary Judgment, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 2/11/2019. (Attachments: # <a href="#">1</a> Exhibit 1 - Declaration of Diana S. Ebron, Esq., # <a href="#">2</a> Exhibit 1-A - Office of Inspector General, Department of Housing & Urban Development, Memorandum No. 2012-CH-1803, # <a href="#">3</a> Exhibit 1-B - June 15, 2016 Deposition Transcript of Diane Deloney, # <a href="#">4</a> Exhibit 1-C - October 21, 2015 Deposition Testimony of Jessica Woodbridge, # <a href="#">5</a> Exhibit 1-D - Discharge of Assignment, # <a href="#">6</a> Exhibit 1-E - April 5, 2016 Deposition Testimony of Katherine Ortwerth, # <a href="#">7</a> Exhibit 1-F - August 2, 2016 Deposition Testimony of Keith Kovalic, # <a href="#">8</a> Exhibit 1-G - November 8, 2017 Order, Ditech Financial LLC v. SFR, et al., USDC Case No. 2:16-cv-00127-GMN-NJK, ECF No. 98, and related motion, ECF No. 93, # <a href="#">9</a> Exhibit 1-H - Excerpts of transcript of December 18, 2015 deposition testimony of Paulina Kelso, Rule 30(b)(6) witness for SFR Investments Pool 1, LLC, # <a href="#">10</a> Exhibit 1-I - Deutsche Banks Responses to SFRs Interrogatories, # <a href="#">11</a> Exhibit 1-J - Bank of America N.A.s First Supplement to Initial Disclosures of Witnesses and Documents Pursuant to Fed. R. Civ. P. 26(A)(1), Bank of America N.A. v. SFR Investments Pool 1, LLC, et al., U.S. District Court, District of Nevada, Case No. 2:15-cv-01771-APG-NJK, # <a href="#">12</a> Exhibit 1-K - Excerpts of Bank of America, N.A.s Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1, Bank of America N.A. v. Desert Pine Villas Homeowners Association, et al., U.S. District Court, District of Nevada, Case No. 2:16-cv-00725-JCM-NJK, # <a href="#">13</a> Exhibit 1-L - Excerpts of Bank of New York Mellons Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1, Bank of New York Mellon v. Glen Eagles Homeowner Association, Inc., et al., U.S. District Court, District of Nevada, Case No. 2:16-cv-00607-APG-NJK, # <a href="#">14</a> Exhibit 1-M - Bank of America, N.A.s First Supplement to Initial Disclosure of Witnesses and Documents Pursuant to Fed. R. Civ. P. 26(f), Bank of America, N.A. v. SFR Investments Pool 1, LLC, et al., U.S. District Court, District of Nevada, Case No. 2:15-cv-01042-APG-GWF, # <a href="#">15</a> Exhibit 1-N - Excerpts of Bank of America, N.A.s Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1, Bank of America, N.A. v. The Willows Homeowners Association, et al., U.S. District Court, District of Nevada, Case No. 2:16-cv-00351-RFB-NJK, # <a href="#">16</a> Exhibit 1-O - Excerpts of Bank of New York Mellon Corporations Supplement to Initial Disclosures Pursuant to NRCF 16.1, SFR Investments Pool 1, LLC v. The Bank of New York Mellon Corporation, et al., District Court, Clark County, Nevada, Case No. A-14-701585-C) (Ebron, Diana) (Entered: 01/28/2019)
02/08/2019	<a href="#">111</a>	STIPULATION FOR EXTENSION OF TIME (First Request) <i>to Extend the Parties' Deadlines to File their Replies Supporting their Motions for Summary Judgment re <a href="#">107</a> Motion for Summary Judgment, <a href="#">108</a> Motion for Summary Judgment,,,,,,,,, by Plaintiff Deutsche Bank National Trust Company.</i> (Wittig, Donna) (Entered: 02/08/2019)

02/11/2019	<a href="#">112</a>	ORDER <b>granting</b> ECF No. <a href="#">111</a> Stipulation To Extend Time re ECF Nos. <a href="#">107</a> and <a href="#">108</a> Motions for Summary Judgment (First Request): Replies due by <b>2/25/2019</b> . Signed by Judge Miranda M. Du on 2/11/2019. (Copies have been distributed pursuant to the NEF - LH) (Entered: 02/11/2019)
02/25/2019	<a href="#">113</a>	REPLY to Response to <a href="#">107</a> Motion for Summary Judgment, by Plaintiff Deutsche Bank National Trust Company. (Attachments: # <a href="#">1</a> Exhibit A) (Wittig, Donna) (Entered: 02/25/2019)
02/25/2019	<a href="#">114</a>	REPLY to Response to <a href="#">108</a> Motion for Summary Judgment,,,,,,,,, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Ebron, Diana) (Entered: 02/25/2019)
03/18/2019	<a href="#">115</a>	ORDER that Plaintiff's Complaint (ECF No. <a href="#">1</a> ) is <b>dismissed</b> without prejudice for lack of subject matter jurisdiction; Plaintiff's motion for summary judgment (ECF No. <a href="#">107</a> ) is <b>denied</b> as moot; SFR's motion for summary judgment (ECF No. <a href="#">108</a> ) is <b>denied</b> as moot; Clerk directed to close this case. Signed by Judge Miranda M. Du on 3/18/2019. (Copies have been distributed pursuant to the NEF - LH) (Entered: 03/18/2019)
04/01/2019	<a href="#">116</a>	BILL OF COSTS by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Objection to Bill of Costs due by 4/15/2019. Tax Bill of Costs by 4/22/2019. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1) (Hanks, Karen) (Entered: 04/01/2019)
05/06/2019	<a href="#">117</a>	COSTS TAXED in the amount of \$ \$1,773.30 against Deutsche Bank re ECF No. <a href="#">116</a> Bill of Costs. No objections filed. (LH) (Entered: 05/06/2019)
08/05/2019	<a href="#">118</a>	ORDER to Release Bond. Signed by Judge Miranda M. Du on 8/5/2019. (Copies have been distributed pursuant to the NEF - KR) (Entered: 08/12/2019)

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF IMPAC  
SECURED ASSETS CORP, MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2007-1,

Plaintiff,

v.

INDEPENDENCE II HOMEOWNERS'  
ASSOCIATION; SFR INVESTMENTS  
POOL 1, LLC; and NEVADA  
ASSOCIATION SERVICES,

Defendants.

Case No. 2:16-cv-00536-MMD-GWF

ORDER

SFR INVESTMENTS POOL 1, LLC,

Counter/Cross Claimant,

v.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR THE  
CERTIFICATEHOLDRES OF IMPAC  
SECURED ASSETS CORP, MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2007-01; and CAROLINA  
OSPINA MEDINA,

Counter/Cross Defendants.

**I. SUMMARY**

This dispute arises from the foreclosure sale of property to satisfy a homeowners' association lien. Before the Court are Plaintiff Deutsche Bank National Trust Company ("Deutsche Bank") as Trustee for the Certificateholders of IMPAC Secured Assets Corp, Mortgage Pass-Through Certificates, Series 2007-1's motion for summary judgment (ECF

No. 107) and Defendant SFR Investments Pool 1, LLC's ("SFR") motion for summary judgment (ECF No. 108). The Court has reviewed the parties' responses (ECF Nos. 109, 110) and replies (ECF Nos. 113, 114). For the following reasons, the Court dismisses the Complaint for lack of subject matter jurisdiction.

## II. BACKGROUND

The following facts are undisputed unless otherwise indicated.

Dora Ardolino and Carolina Ospina Medina ("Borrowers") purchased real property ("Property") located within Independence II Homeowners' Association ("HOA") on December 11, 2006. (ECF No. 107-1 at 3-4, 22-24.) The Borrowers financed the purchase with a \$263,150 loan ("Loan") evidenced by a note ("Note") and secured by a first deed of trust ("DOT"). (*Id.* at 3-4.) The DOT names Mortgage Electronic Registration Systems, Inc. ("MERS") as the nominee beneficiary. (*Id.* at 4.)

Plaintiff asserts that MERS assigned the DOT to Plaintiff on February 16, 2012 ("2012 Assignment"). (ECF No. 107 at 2 (citing ECF No. 107-2 at 2-3 (2012 Assignment)).) This is the only assignment that Plaintiff attached to its motion for summary judgment. SFR asserts that Plaintiff is not the beneficiary of the DOT and that the 2012 Assignment is invalid based on another assignment dated April 14, 2011 ("2011 Assignment") that Plaintiff did not attach to its motion. (ECF No. 110 at 2-4, 10-14; ECF No. 108-22 at 2 (2011 Assignment).)

The Borrowers failed to pay HOA assessments, and the HOA eventually foreclosed on the Property, presumably extinguishing the DOT. (ECF No. 107-7 at 2-4.)

Deutsche Bank filed the Complaint on March 10, 2016, asserting the following claims: (1) quiet title/declaratory judgment against all Defendants; (2) breach of NRS § 116.1113 against the HOA and Nevada Association Services, Inc. ("NAS"); (3) wrongful foreclosure against the HOA and NAS; and (4) injunctive relief against SFR. (ECF No. 1 at 6-12.) SFR asserts counterclaims for declaratory relief/quiet title and injunctive relief. (ECF No. 20 at 14-15.)

///

### III. DISCUSSION

SFR challenges Plaintiff's Article III standing and prudential standing, arguing that Plaintiff is not the current beneficiary of the DOT. (ECF No. 110 at 2-4, 10-14.)

"Article III of the Constitution limits federal-court jurisdiction to 'Cases' and 'Controversies.'" *Massachusetts v. EPA*, 549 U.S. 497, 516 (2007). "To satisfy Article III's standing requirements, a plaintiff must show (1) it has suffered an 'injury in fact' that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC) Inc.*, 528 U.S. 167, 180-81 (2000) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)). The party invoking federal jurisdiction bears the burden of establishing these elements. *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990).

Prudential standing "encompasses the general prohibition on a litigant's raising another person's legal rights, the rule barring adjudication of generalized grievances more appropriately addressed in representative branches, and the requirement that a plaintiff's complaint fall within the zone of interests protected by the law invoked." *Freedom Mortg. Corp. v. Las Vegas Dev. Grp., LLC*, 106 F. Supp. 3d 1174, 1179 (D. Nev. 2015) (quoting *United States v. Lazarenko*, 476 F.3d 642, 649-50 (9th Cir. 2007)). "The question of prudential standing is often resolved by the nature and source of the claim. Essentially, the standing question in such cases is whether the [statute] on which the claim [relies] properly can be understood as granting persons in the plaintiff's position a right to judicial relief." *Id.* (quoting *The Wilderness Soc'y v. Kane County*, 632 F.3d 1162, 1169 (10th Cir. 2011)).

SFR bases its argument on the 2011 Assignment and 2012 Assignment. (See ECF No. 110 at 2-4, 10-14.) At first glance, both assignments seem to name Deutsche Bank as the assignee, but SFR asserts this is not the case. In the 2011 Assignment, MERS assigned the DOT to "Deutsche Bank National Trust Company, as *Trustee under the*

1 *Pooling and Servicing Agreement Relating to* IMPAC Secured Assets Corp., Mortgage  
 2 *Pass-Through Certificates, Series 2007-1*” (ECF No. 108-22 at 2 (emphasis added)). In  
 3 the 2012 Assignment, MERS assigned the DOT to “Deutsche Bank National Trust  
 4 *Company as Trustee for the Certificateholders of* IMPAC Secured Assets Corp., Mortgage  
 5 *Pass-Through Certificates, Series 2007-1*” (ECF No. 108-25 at 2 (emphasis added)). SFR  
 6 contends that the first assignee is a different entity than the second assignee. (ECF No.  
 7 110 at 3-4.) SFR also argues that the 2012 Assignment must be invalid because MERS  
 8 had already transferred its interest in the 2011 Assignment. (*Id.*)

9 Plaintiff suggests that both assignments refer to Deutsche Bank. (See ECF No. 113  
 10 at 3.) This is true, but both assignments also refer to different trusts. And Plaintiff produces  
 11 no evidence to support its contention that “Deutsche Bank National Trust Company, as  
 12 Trustee under the Pooling and Servicing Agreement Relating to IMPAC Secured Assets  
 13 Corp., Mortgage Pass-Through Certificates, Series 2007-1” is the same legal entity as  
 14 “Deutsche Bank National Trust Company as Trustee for the Certificateholders of IMPAC  
 15 Secured Assets Corp., Mortgage Pass-Through Certificates, Series 2007-1,” the latter of  
 16 which is how Plaintiff identified itself in the Complaint. (See *id.*; ECF No. 1 at 1.) Plaintiff  
 17 may be the trustee for both trust entities and can sue on behalf of both trusts, but Plaintiff  
 18 offers no evidence to show that the two trusts—bearing two similar but not identical  
 19 names—are one and the same trust. It is only through a trustee that either of these trusts  
 20 (assuming they are different) could take any action to enforce the DOT. See *Mathis v. Cty.*  
 21 *of Lyon*, No. 2:07-cv-00628-APG-GWF, 2014 WL 1413608, at \*2 (D. Nev. Apr. 11, 2014),  
 22 *aff’d*, 591 F. App’x 635 (9th Cir. 2015) (“A trust . . . is not a natural person capable of taking  
 23 action on its own behalf.”).

24 “To have standing to assert a quiet title claim, a plaintiff must have a current claim  
 25 to the land in dispute.” *GMAT Legal Title Tr. v. Fitchner*, No. 3:15-cv-00044-HDM-WGC,  
 26 2015 WL 7312881, at \*3 (D. Nev. Nov. 19, 2015) (citing *Daly v. Lahontan Mines Co.*, 151  
 27 P. 514, 516 (Nev. 1915), *aff’d on reh’g*, 158 P. 285 (1916)). Plaintiff asserts that it acquired  
 28 title when it was assigned the DOT from MERS in the 2012 Assignment (ECF No. 107 at



2), but Plaintiff has produced no evidence to rebut SFR's evidence that MERS had no interest in the DOT to transfer in the 2012 Assignment. In addition, Plaintiff has not produced evidence to substantiate its implication that the 2011 Assignment transferred the DOT to Deutsche Bank, as trustee of the trust on whose behalf Plaintiff is bringing this action. (See ECF No. 113 at 3.) If Plaintiff was not the beneficiary of the DOT that was allegedly extinguished in the foreclosure sale, then Plaintiff did not suffer any injury and is not the proper party to bring this lawsuit. Accordingly, the Court dismisses the Complaint without prejudice for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

#### IV. CONCLUSION

The Court notes that the parties made several arguments and cited to several cases not discussed above. The Court has reviewed these arguments and cases and determines that they do not warrant discussion as they do not affect the outcome of the motions before the Court.

It is therefore ordered that Plaintiff's Complaint (ECF No. 1) is dismissed without prejudice for lack of subject matter jurisdiction.

It is further ordered that Plaintiff's motion for summary judgment (ECF No. 107) is denied as moot.

It is further ordered that SFR's motion for summary judgment (ECF No. 108) is denied as moot.

It is further ordered that the Clerk of the Court close this case.

DATED THIS 18<sup>th</sup> day of March 2019.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE